

REMARKS

Claims 26-46 are pending in the application.

Claims 26-41 are rejected.

Claims 42-46 are allowed.

Claims 26-41 have been deleted without prejudice, claim 42 has been amended, and new claims 46- 49 are filed.

The applicants have carefully studied the outstanding Final Office Action. The applicants gratefully appreciate the Examiner's indication that claims 42 to 46 are allowable.

Applicant's undersigned attorney expresses his appreciation for the courtesies extended by Examiner Comstock in the phone interview conducted on September 22, 2010. During the interview Applicant's undersigned attorney requested an amendment to claim 42 to call for "said spinal bridge being free to follow movement of the spine of the subject.". The Examiner agreed that this amendment was acceptable. Applicants' attorney also inquired about the possibility of adding some dependent method claims that corresponded to the dependent apparatus claims. The Examiner agreed to consider the addition of such dependent claims.

The patentability of the apparatus claims over the Matsen III reference was discussed. Applicant's attorney pointed out that the Matsen III reference did not have a robot mounted on the bridge, but rather had a robot mounted on a table. The Examiner disagreed but indicated that he considered Matsen III to disclose a robot mounted on the bridge. The Examiner suggested that Matsen III might be distinguished by amending the claims to call for the robot to be "directly" mounted on the bridge" and being "proximate" to the vertebrae, or some similar language.. It was agreed that the Applicant would file a response taking into account the points discussed during the interview.

The proposed method claim 42 has been amended in accordance with the proposals discussed with the Examiner during the above mentioned phone interview. In addition, the last element of the claim has been amended, in order to increase the clarity of the claim, and to correct a previously inaccurate antecedent basis. Applicants assert that no new subject matter has been added thereby.

Applicants respectfully assert that the present amendment is intended to be fully responsive to all points of rejection raised by the Examiner, and is believed to place the application in condition for allowance. The applicants believe that since the amendments made to the claims are of minor form, and in the main comply with the amendments discussed with the Examiner, no further search is mandated thereby, and that the amendment should be admitted. Entry of this amendment, favorable reconsideration, and allowance of the application are respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 26-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsen III et al. (5,154,717). The cancellation of these claims renders the examiner's rejection of these claims moot.

#### **New claims**

The applicants have filed new method claims 46-49, dependent on claim 42 and reciting methods equivalent to cancelled apparatus claims 31-33. The applicants assert that no new subject matter has been added thereby.

#### **Conclusion**

In view of the above arguments, the applicants earnestly request entry of this amendment, positive consideration and allowance of all of the claims now filed in this application. If any points remain in issue which the Examiner feels may be best resolved through a personal or

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telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

  
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